

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

TERESA STRINGER, KAREN BROOKS,  
WILLIAM PAPANIA, JAYNE NEWTON,  
MENACHEM LANDA, ANDREA  
ELIASON, BRANDON LANE, DEBBIE  
O’CONNOR, MICHELLE WILLIAMS, and  
WAYNE BALNICKI, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiffs

v.

NISSAN OF NORTH AMERICA, INC.,  
and NISSAN MOTOR CO. LTD.,

Defendants.

Case No. 3:21-cv-00099

District Judge William L. Campbell  
Courtroom A826  
Magistrate Judge Barbara D. Holmes  
Courtroom 764

**JOINT MOTION TO RESET FAIRNESS HEARING DATE IN PRELIMINARY  
APPROVAL ORDER OF CLASS SETTLEMENT AGREEMENT**

Plaintiffs Teresa Stringer, Karen Brooks, William Papania, Jayne Newton, Menachem Landa, Andrea Eliason, Brandon Lane, Debbie O’Connor, Michelle Williams, and Wayne Balnicki (“Plaintiffs”) and Defendant Nissan North America, Inc. (“NNA”) (together, the “Parties”) file this Joint Motion to Reset the Fairness Hearing Date in the Court’s Preliminary Approval Order of Class Action Settlement, and would show the Court as follows:

1. On September 7, 2021, Plaintiffs filed a Motion for Preliminary Approval of Class Action Settlement [Dkt. No. 65] (“Motion for Preliminary Approval”). On October 13, 2021, the Court entered a Preliminary Approval Order of Class Action Settlement [Dkt. No. 75] (“Preliminary Approval Order”), granting the Motion for Preliminary Approval and setting the Fairness Hearing for May 23, 2022, at 1:30 p.m.

2. The date set in the Preliminary Approval Order for the Fairness Hearing was based on the expectation that the notice process would take well into March due to anticipated delays in obtaining and confirming the addresses of the Members of the Settlement Class. Paragraph 29 of the Settlement Agreement required the Settlement Administrator to “use best efforts” to cause Notice to the Settlement Class “to occur no later than (150) days from the Court’s order granting preliminary approval of the Settlement,” which is March 12, 2022. Due to diligent efforts by the Parties and the Settlement Administrator, it now appears that class notice can be sent on or around December 22, 2021, some ten weeks earlier than the deadline reflected in the Settlement Agreement. As a result, all required actions can be completed in time for the Court to conduct a Fairness Hearing in March 2022.

3. Because Notice has not yet been provided to the Settlement Class, Class Members have not been told the date for the Fairness Hearing, and changing the date now will not create any confusion. The new date and time (March 21, 2022 at 11:30 a.m.) are being proposed because the Clerk has confirmed that the Court is available, and the Parties have confirmed that counsel for all Parties are available, at that date and time.

4. Accordingly, in the interest of judicial economy and efficient effectuation of the proposed Settlement, the Parties respectfully request that the Court grant this motion and reset the Fairness Hearing Date in paragraph 21 of its Preliminary Approval Order for March 21, 2022, at 11:30 a.m., and adjust all associated deadlines accordingly.

Dated: December 7, 2021

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify that on December 7, 2021, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notice of Electronic Filing generated by CM/ECF.

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